



# House of Representatives

## **File No. 787**

General Assembly

January Session, 2001

**(Reprint of File No. 358)**

Substitute House Bill No. 6973  
As Amended by House Amendment  
Schedules "A" and "B"

Approved by the Legislative Commissioner  
May 18, 2001

### **AN ACT CONCERNING A MORATORIUM ON THE CONSTRUCTION OF NEW INCINERATORS.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1       Section 1. (NEW) The Commissioner of Environmental Protection  
2       shall not issue any permit for a new incinerator pursuant to section  
3       22a-174 of the general statutes, as amended by this act, unless such  
4       permit would result in an improvement of environmental performance  
5       of an existing incinerator or an existing incineration process, as  
6       determined by the commissioner. As used in this section, "incinerator"  
7       includes, but is not limited to, waste-to-energy plants or incinerators,  
8       medical waste incinerators, wood burners, sewage sludge incinerators,  
9       hazardous waste incinerators and tire incinerators. The provisions of  
10      this section do not apply to any (1) permit renewal application or  
11      permit application that improves the environmental performance of an  
12      incinerator, as determined by the commissioner, that was permitted on  
13      or before July 1, 2001, or (2) application for a permit for a new  
14      incinerator pending before the commissioner on or before July 1, 2001.

15      Sec. 2. Subsection (n) of section 22a-174 of the general statutes is

16 repealed and the following is substituted in lieu thereof:

17 (n) The commissioner shall not issue a permit for an asphalt batch  
18 plant or continuous mix facility under the provisions of this section  
19 until July 1, [2001] 2004. The provisions of this section shall apply to  
20 any application pending on May 5, 1998. Nothing in this section shall  
21 apply to applications for upgrading, consolidating or otherwise  
22 altering the physical plant of an existing facility with a permit to  
23 operate provided such upgrade, consolidation or alteration results in  
24 reduced emissions of air pollutants.

25 Sec. 3. This act shall take effect from its passage.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Affected Agencies:** Department of Environmental Protection

**Municipal Impact:** None

**Explanation****State Impact:**

Placing a moratorium on the issuance of air pollution permits for the construction of new incinerators except under certain circumstances and extending the moratorium on permitting of asphalt batch plants or continuous mix facilities will have no net fiscal impact on the resources of the Department of Environmental Protection (DEP). To the extent that the moratoriums eliminate the need for DEP to issue a permit, this could prevent a potential workload increase which would have been offset with an increase in fees from the permit.

House "A" clarifies the language in the bill and House "B" eliminates incinerators that burn contaminated soil from the ban potentially resulting in an increase in workload offset by permit fees from the bill.

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**OLR Amended Bill Analysis**

sHB 6973 (as amended by House "A" and "B")\*

***AN ACT CONCERNING A MORATORIUM ON THE  
CONSTRUCTION OF NEW INCINERATORS.***

**SUMMARY:**

This bill extends, from July 1, 2001 to July 1, 2004, the moratorium on Department of Environmental Protection (DEP) issuance of air pollution permits for asphalt-batch or continuous-mix facilities. By law, the moratorium applies to applications pending as of May 5, 1998 but not to applications for altering plants with operating permits, so long as the alteration reduces their emissions.

The bill bans the commissioner from issuing air pollution permits for new incinerators, except under specified circumstances. He can issue a permit for a new incinerator if he receives the application on or before July 1, 2001. He can also issue a permit or permit renewal for an incinerator that improves the environmental performance of an existing incinerator or an existing incineration process. The commissioner determines whether an incinerator would result in an improvement in environmental performance.

Under the bill, incinerators include facilities that burn medical waste, wood, sewage sludge, hazardous waste, and tires, as well as waste-to-energy facilities and other incinerators.

\*House Amendment "A" specifies that the ban only applies to new incinerators and makes minor changes.

\*House Amendment "B" removes incinerators that burn contaminated soil from the ban.

EFFECTIVE DATE: Upon passage

**BACKGROUND**

***Legislative History***

On May 2, the House referred the original version of this bill (File 358) to the Energy and Technology Committee, which favorably reported the bill on May 8.

**COMMITTEE ACTION**

## Environment Committee

Joint Favorable Substitute

Yea 21      Nay 7

## Energy and Technology Committee

Joint Favorable Report

Yea 8      Nay 6